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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CHARON L. BROWN,

11 Plaintiff(s),

12 vs.

13 CLARK COUNTY DETENTION CENTER, et al.,

14 Defendant(s).
15

Case No. 2:15-cv-01670-APG-NJK

ORDER

(Docket No. 104)

16 Pending before the Court is a stipulation to extend the discovery period and set a deadline to file
17 a motion for further extension. Docket No. 104. The parties agree on some discovery that remains, but not
18 on other discovery. To that end, the parties agree to extend the deadline for (at least) the agreed upon
19 discovery, to set the deadline to for Plaintiff to file a motion “for additional discovery,” and to set various
20 other deadlines at unspecified dates a certain number of days after other occurrences in the case. *See id.*
21 at 3-4.

22 The Court declines to adopt the approach taken in the stipulation. The parties have agreed that
23 discovery should be extended 120 days for Plaintiff to conduct at least the agreed upon discovery. Docket
24 No. 104 at 4. While the parties disagree as to whether Plaintiff is entitled to discovery during that period,
25 they fail to explain why that dispute should be resolved through a motion to conduct additional discovery.
26 Generally speaking, parties propound discovery without Court approval. Moreover, the approach advocated
27 by the parties’ leaves the deadlines in this case in limbo, with unspecified dates keyed off of future events,
28 rather than calendar days. *Compare* Docket No. 104 at 4 (setting, for example, the discovery cutoff at 120-

1 days from the issuance of an order on the motion for additional discovery) *with* Local Rule 26-1(b)(1)
2 (providing that discovery plans must provide “the calendar date on which discovery will close”). The
3 Court finds the better approach to be that Plaintiff should propound the discovery that he believes is proper
4 during the extended 120-day discovery period. To the extent Defendants believe that any such discovery
5 is not proper, including that it is untimely given the parties’ prior stipulations and/or the Court’s prior
6 orders, then they may file a motion for protective order or seek other appropriate relief from the Court
7 following a pre-filing conference and in compliance with all other applicable requirements.¹ If the parties
8 are unable to agree on that discovery, the Court would have before it a concrete dispute and copies of any
9 disputed discovery actually propounded. *See* Local Rule 26-7(b).

10 Accordingly, the stipulation is **GRANTED** in part and **DENIED** in part as follows. The discovery
11 cutoff is hereby **EXTENDED** to September 1, 2017. The deadline for discovery motions is hereby
12 **EXTENDED** to October 2, 2017. The deadline for dispositive motions is hereby **EXTENDED** to
13 November 1, 2017. The deadline for filing the joint proposed pretrial order is **EXTENDED** to December
14 1, 2017, unless a dispositive motion is pending at that time. *See* Local Rule 26-1(b)(5).

15 IT IS SO ORDERED.

16 DATED: May 4, 2017

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NANCY J. KOPPE
United States Magistrate Judge

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26 ¹ The Court herein expresses no opinion as to whether the additional discovery is proper. The
27 pending stipulation provides extra time for briefing the proposed motion for additional discovery. Docket
28 No. 104 at 4. To be clear, any motion filed by Defendant as outlined here shall be briefed pursuant to the
default briefing schedule, Local Rule 7-2(b) (providing 14 days for a response and 7 days for a reply), unless
otherwise ordered by the Court.